

United States District Court
Northern District of California

AMBERT HAWTHORNE, et al.,

Plaintiffs,

v.

UMPQUA BANK,

Defendant.

Case No.: CV 11-06700-KAW

ORDER REGARDING MOTION TO
MODIFY SUBPOENAS

Christopher Kneer and Victoria Kneer (the "Kneers"), two plaintiffs in this class action, move to modify subpoenas served on Patelco Credit Union, a third party. (Pl.'s Mot. at 9, Dkt. No. 84.) Umpqua Bank ("Umpqua") opposes the motion. (Def.'s Opp'n, Dkt. No. 92.) This matter is scheduled for hearing on April 3, 2014.

Having reviewed the papers filed in this matter, the court finds that the parties may be able to resolve their dispute without judicial intervention. The Kneers have suggested that exemplar bank statements are a suitable alternative to their actual account statements, *see* Pl.'s Mot. at 9, and Umpqua has offered to limit "any future requests for account statements from other financial institutions to the first and last account statement for the period in question . . . as well as any account statements for the months on which [the Kneers] were assessed overdraft fees," *see* Def.'s Opp'n at 10. Despite the fact that each of these proposals were rejected, either form of limited disclosure may be appropriate in this case.

Therefore, the court orders the parties to further meet and confer to resolve this discovery dispute. The hearing currently set for April 3, 2014 is continued to April 17, 2014. If the parties succeed in resolving their dispute without court intervention, they shall promptly notify the court.

IT IS SO ORDERED.

Dated: March 27, 2014


KANDIS A. WESTMORE
United States Magistrate Judge